

Application No. 10/705,208
Paper Dated February 15, 2007
In Reply to USPTO Correspondence of October 16, 2006
Attorney Docket No. 2966-031366
Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 2100

REMARKS

Claims 1, 5-6, 8-10, 13-15, 18-20, 22-35, and 40-41 were pending in this application. Claims 18-20 have been cancelled. Claims 1, 6, 35, and 41 have been amended.

Specifically, claims 1 and 35 have been amended for clarity pursuant to the Examiner's suggestions with respect to the §112 rejections. The "signifier" of claims 1, 35, and 41 has been further defined. Support for the added limitations relating to the "signifier" is found on page 17, paragraph [0060], lines 6-12 of the specification, for example, and in FIG. 6.1. The "logic layer" of claims 1, 6, and 35 has been further defined. Support for the added limitations relating to the "logic layer" is found in paragraphs [0048] and [0054] of the specification, for example, and in FIG. 5.1. Claim 41 has also been amended to further define the "signifier" limitation.

No new subject matter is believed to have been added by these amendments. Therefore, claims 1, 5-6, 8-10, 13-15, 22-35, and 40-41 remain in this application.

Claim Objections

Applicants acknowledge that claims 18-20 are duplicative of claims 13-15 and have therefore cancelled claims 18-20 to overcome the Examiner's claim objections.

35 U.S.C. §112 Rejections

Claims 1 and 35 stand rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Applicants intended that a determination of needed information be made for either the response layer or the logic layer in claims 1 and 35. Applicants thank the Examiner for the suggested wording needed to overcome the indefiniteness rejection. Accordingly, Applicants have amended claims 1 and 35 to comport with the Examiner's suggested wording. Reconsideration of these rejections is respectfully requested.

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35 U.S.C. §102 Rejections

Claims 35 and 40 stand rejected under 35 U.S.C. §102(b) for anticipation by U.S. Patent Application Publication No. 2001/0054096 to Morikawa et al. (hereinafter “the Morikawa publication”). Applicants have amended claim 35 to further define the “signifier” and “logic layer” limitations, as is explained below in greater detail with respect to Applicants’ response to the obviousness rejections. Accordingly, Applicants believe that claim 35 and claim 40 depending therefrom are not anticipated by the Morikawa publication.

35 U.S.C. §103 Rejections

Claims 1, 5-6, 8-10, 13-15, 18-20, 22-35, and 40-41 stand rejected under 35 U.S.C. §103(a) for obviousness as being unpatentable over U.S. Patent Application Publication No. 2003/0163783 to Chikirivao et al. (hereinafter “the Chikirivao publication”) and in view of U.S. Patent No. 5,907,837 to Ferrel et al. (hereinafter “the Ferrel patent”).

Non-analogous Art

The Examiner asserts that the Chikirivao publication and the Ferrel patent share the same field of endeavor (i.e., management and retrieval of information) as the claimed invention. Of course, management and retrieval of information is inherent in all computer related prior art. Accordingly, it appears that the Examiner is very broadly interpreting the area of prior art that he considers as being in an analogous art with respect to the disclosure in the Chikirivao publication. It was previously indicated to the Examiner that the field of endeavor of the Chikirivao publication should be limited to NLP whereas the field of endeavor of the Ferrel patent should be limited to multimedia publishing, especially since no NLP aspects were disclosed in the Ferrel patent. Instead that Examiner views the Ferrel patent as belonging to an object-oriented field of endeavor. To this end, the Examiner points to two new non-patent references, namely Ibrahim and Uszkoreit in which NLP is disclosed within the context of an object-oriented environment. The Examiner therefore maintains that the Ferrel patent is within Applicant’s field of endeavor and the teachings thereof should be applied to the teachings of the Chikirivao publication.

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Notwithstanding the fact the Examiner defines the field of endeavor unreasonably broadly, the Ferrel patent is not a reference that would be reasonably pertinent to the particular problem with which the inventor was concerned. Specifically, it has been held that a “reference is reasonably pertinent if, even though it may be in a different field from that of the inventor’s endeavor, it is one which, because of the matter with which it deals, *logically would have commended itself to an inventor’s attention in considering his problem.*”(emphasis added) (*Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993)). An inventor attempting to find a way to invoke additional information or run code within an NLP context would not have looked to a less abstract area in the computer field, such as the art of multimedia publishing and development, as disclosed in Ferrel patent. By introducing the newly cited Ibrahim and Uszkoreit references, Applicants believe that the Examiner is invoking an impermissible hindsight rejection argument. Such, a combination in the context of the disclosure and teachings of the present references is improper. It has been held that “absent a suggestion to combine the references, the [Examiner] can do no more than piece the invention together using the patented invention as a template. Such hindsight reconstruction is impermissible” (*Texas Instruments Inc. v. U.S. Intern. Trade Com’n.*, 988 F.2d 1165, 1178, 26 USPQ2d 1018, 1029 (Fed. Cir. 1993)).

Claim Limitations

Applicants recognize that in the computer arts, especially in emerging technology sectors, such as NLP, it is almost a necessity for applicants to become their own lexicographer with respect to certain claim terminology. The Examiner appears to broadly construe Applicants’ claim limitations, especially with respect to the limitation relating to “identifying the presence of a signifier.” The Examiner ignores the fact that the “signifiers” that he equates to Applicants’ signifier would not work in the context of the claimed invention. Essentially, the Examiner is stating that because there are “things that signify”, albeit in a wholly different context in the Ferrel patent, that such a teaching can be applied to the teachings of the Chikirivao publication. Specifically, as reasserted by the Examiner on page 9 of the Office Action, it would be obvious to modify the teachings of the Chikirivao publication in light of the teachings of the Ferrel patent “for the benefit of dynamically

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finding and displaying content at runtime *to deliver targeted version of a publication* while provided the most benefit by using an on-line network" (emphasis added). This motivation offered by the Examiner does not make sense to the Applicants in the context of NLP and rules based processing, which is what the claimed invention concerns. In fact, the Examiner implicitly admits in the aforementioned motivation that the Ferrel patent relates to the publication field, which is more akin to multimedia publishing, as opposed to NLP. Therefore, Applicants continue to maintain that the Examiner has not provided a strong argument for combining the "signifier" teachings in the Ferrel patent to the other claim limitations the Examiner argues are found in the Chikirivao publication.

The Examiner has indicated to Applicants on page 2 of the Office Action that if Applicants choose to amend the claims that they should more clearly define the terms construed as being broad by the Examiner. Applicants kindly thank the Examiner for his suggestion and have now clearly defined certain terms in the claims in order to overcome the rejections based upon a broad interpretation of Applicants' chosen claim terminology.

Applicants have defined the signifier as being an identifier configured to call for information such that the call for information invokes a process to select the information from a corresponding field in the template so that the information will be linked to the rule. The "signifier" (as equated by the Examiner) of the Ferrel patent is an HTML tag, which allows an object (an entity in and of itself) to be incorporated in its entirety. The HTML tag does not allow further processing of the object, or looking into it. In contrast, the signifier of the present invention does not result in any incorporation in its entirety, but rather results in an extraction of information. In other words, an entry into the template occurs by the editor, wherein the editor then selects the appropriate field, and then identifies which information is to be linked to the rule.

The Examiner has interpreted the logic layer as being inherent in an NLP script since "logical analysis" is undertaken by the processor when processing the rules. Accordingly, Applicants have defined the logic layer as being configured to choose between various responses provided by the user, wherein at least one of the responses is recognized by the logic layer, and wherein the chosen response is the response to be used in the response layer. The system disclosed in the Farrel patent allows for publishing content to be

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dynamically constructed from fixed mapping onto objects. There is no disclosure with respect to choosing from a list of different “objects” provided by a user and then passing on a recognized “object” to another rule layer (i.e., response layer). The Chikirivao publication includes a system for generating rules, however, the various objects that make up the rules were not derived from satisfying pre-condition or post-conditions, as is the case in the present invention. Accordingly, none of the prior art of record discloses, teaches, or suggests, a logic layer as presently claimed in the context of the other claim limitations.

The aforementioned claim limitations, either alone or together, in the context of the existing limitations do not cause independent claims 1, 35, and 41 to be anticipated or rendered obvious in light of the prior art of record. For the foregoing reasons, Applicants believe that the subject matter of amended independent claims 1, 35, and claim 41 further define over the prior art of record. The claims depending therefrom add further limitations to amended independent claims 1, 35, and 41 and are believed to be patentable for the reasons discussed hereinabove in connection with amended independent claims 1, 35, and 41. Reconsideration of the rejections of all pending claims is respectfully requested.

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CONCLUSION

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 1, 5-6, 8-10, 13-15, 22-35, and 40-41 is respectfully requested.

Respectfully submitted,

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